



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



**LETTER OF DEFICIENCY
WET 2004-39**

October 14, 2004

Malcolm K & Penelope Sparrow
11 Leslie Road
Winchester, MA 01890

RE: DES Wetlands File #2000-00234 Ritsher Road, Meredith

Dear Mr. & Ms. Sparrow:

On July 13, 2004, personnel from the Department of Environmental Services ("DES") Wetlands Bureau conducted an field inspection of the above referenced property, more specifically referenced on Town of Meredith Tax Map U30 as Lot 3A/1 (the "Property"). The purpose of the inspection was to determine whether work on the Property was conducted in compliance with the Wetlands and Non-Site Specific Permit #2000-234 (the "Permit"), which authorized the construction of a U-shaped docking facility consisting of two piers 6 ft wide and extending 30 ft from the normal high water mark connected by a 11 ft 9 in x 6 ft wharf, and construct a 20 ft x 25 ft perched beach in accordance to plans by David M. Dolan, revised March 23, 2000, as received by the Department on March 28, 2000 (the "Plans").

The inspection revealed that the construction of the docking facility on the Property was not conducted in accordance with the approved Plans. During the inspection the following deficiencies were documented:

- 1 The docking facility extended 40 ft from the shoreline at full lake elevation 504.32, 10 ft longer than the approved Plans

Review of DES records indicates that no permits have been issued for the Property approving the modification to the piers, and a copy of the recorded Permit has not been submitted to DES prior to construction.

- 1 A subsequent review of DES records indicates no further permits have been issued for the extension of the piers. If you have any record of amended permits verifying the extensions, please send us a copy of any DES Wetlands and Non-Site Specific Permits indicating the permitted extension of the piers.
- 2 Within 30 days of receipt of this Letter of Deficiency, submit as-built plan of the Property to DES for review and approval. Have the plan prepared by a qualified professional, and include the present dimensions drawn to scale, of the existing U-shaped dock and Property.
- 3 Please submit a copy of any future permits recorded with the Registry of Deed Office prior to any construction. As a Specific Condition within permits, work authorized by the permit may not commence until DES has received a copy of the permit recorded with the Registry of Deeds Office.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows

Darlene Forst, Shoreland Program Supervisor
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

COPY

Darlene Forst
Shoreland Program Supervisor
Wetlands Bureau

CERTIFIED MAIL 7002 3150 0001 5411 0473

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit
Meredith Conservation Commission
Meredith Board of Selectmen
USACOE